



Information Privacy and Security Council

Meeting Minutes

November 16, 2016

Kalanimoku Bldg.
1151 Punchbowl St.
Basement VCC
Honolulu, HI 96813

Wailuku State Office Bldg.
54 South High St.
Third Floor VCC
Wailuku, HI 96793

Lihu'e State Office Bldg.
3060 'Eiwa St.
Basement VCC
Lihu'e, HI 96766

Hilo State Office Bldg.
75 Aupuni St.
Basement VCC
Hilo, HI 96720

| MEMBERS / DESIGNEES PRESENT | |
|---|---|
| Member Name | Department |
| DeMello, Keith (Designee; Acting Chair) | Office of Enterprise Technology Services |
| Ho, Keith (Designee) | City and County of Honolulu |
| Keane, David | Department of Human Resources Development |
| Tong, Lisa (Designee) | Department of Commerce and Consumer Affairs |
| Swanson, Mandi (Designee) | County of Kaua'i |
| Sherman, Karen | County of Maui |
| Tachikawa, Joanne | Department of Education |
| Thornton, Kevin | Judiciary |
| Tungol, Wilfredo (Designee) | Department of Health |
| Yong, Lim | Department of Human Services |

| MEMBERS ABSENT / NOT REPRESENTED | |
|----------------------------------|-----------------------|
| Member Name | Department |
| Jacobs, Don | County of Hawai'i |
| Taniguchi, Carol | Legislature |
| Yoshimi, Garret | University of Hawai'i |

I. Call to Order

Acting Chair DeMello called the meeting to order at 1:03 p.m. Quorum was established with eight members present.

Member Designee Tungol and Member Thornton joined the meeting at 1:04 and 1:05 p.m., respectively, increasing the number of members present to ten.

II. Review and Approval of Previous Meeting Minutes

Member Yong moved for the IPSC to approve the October 2016 meeting minutes, and Member Tachikawa seconded the motion. It was noted that the draft minutes should be amended to indicate that the date of the current meeting is November 16. The IPSC adopted the minutes as amended by unanimous consent.

III. Public Testimony on Agenda Items

None.

IV. State and County Agency Personal Information (PI) System Annual Reports

Acting Chair DeMello reported on the status of collection. IPSC members have access to the logs showing which agencies have submitted annual PI system reports, as well as the report documents themselves, in the secure Collaborative Site under the "Committees" / "Yearly PI Reporting." The logs now reflect any reports submitted by state executive branch agencies via the online form, in addition to any forms emailed or mailed. As discussed at the October meeting, the log is being expanded to better reflect agencies within departments, where appropriate.

As of the date of the meeting, the State, City and County of Honolulu, and Kaua‘i County are making good progress, while the Hawai‘i and Maui counties have not submitted many reports. Acting Chair DeMello stated that he may require assistance from IPSC members in obtaining agency reports from their respective jurisdictions.

IPSC is continuing to accept late agency reports throughout the month. IPSC’s summary report is due twenty days prior to Legislature. Under Hawai‘i Revised Statutes (HRS) section 487N-5(d), the summary report shall include the council’s findings, significant trends, and recommendations to protect personal information used by government agencies.

V. Report by the Permitted Interaction Group Research and Recommendations on Guidelines for Found Media Sanitation

Members discussed the report and recommendations with regard to HRS section 52D-14, Duty and Right of Finders. As discussed at previous meetings, current statutes do not appear to address electronic devices and the personally identifiable information (PII) they may contain.

In the October meeting, the IPSC voted to form a subcommittee consisting of Acting Chair DeMello, Member Keane, and appropriate Attorney General and ETS staff to develop a recommendation for legislative amendments. Acting Chair DeMello now presented the following proposed amendments from the subcommittee:

***[§52D-14] Duty and right of finders.** (a) Except as provided in section 261-17.7, all money or property found shall be reported or delivered by the finder to the chief of police of the county. When so delivered, it shall be held by the chief of police for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the chief of police. If title or right of custody is established, the money or property shall be delivered to the claimant by the chief of police.*

(b) If no claim is made or no such right is established within the forty-five days, the money or property shall be returned to the person who delivered it to the chief of police, except as provided in subsection (c); provided that if the person who delivered it to the chief of police fails to claim the money or property within thirty days after being notified by the chief of police that the person is entitled to possession, the chief of police shall dispose of the money or property in accordance with the procedures established in section 52D-10. For the purpose of this section, notice by regular mail to the person's last known address shall be sufficient.

(c) An electronic device that allows for storage of personal information, as defined by section 487N-1, shall be sanitized in accordance with national standards to ensure deletion or removal of personal information prior to returning the device to the finder. If deletion or removal of personal information is not possible or cannot be verified without unreasonable expense, the device shall be destroyed in a manner sufficient to eliminate the information, prior to disposal or recycling. The chief of police shall notify the finder that the device was destroyed and disposed of or recycled because personal information could not be deleted.

In discussion, members recommended further clarification of “in accordance with national standards” as well as the replacement of the word “deletion” with “removal” or “sanitize.” Acting Chair DeMello read aloud the following revision:

(c) An electronic device that allows for storage of personal information, as defined by section 487N-1, shall be sanitized in accordance with guidance provided by the information and privacy security council and national institute of standards and technology to ensure removal of personal information prior to returning the device to the finder. If removal of personal information is not possible or cannot be verified without unreasonable expense, the device shall be destroyed in a manner sufficient to eliminate the information, prior to disposal or recycling. The chief of police shall notify the finder that the device was destroyed and disposed of or recycled because personal information could not be removed.

It was further recommended that the Attorney General's office look into whether amendments are also needed in HRS section 261-17.7, which specifically addresses and exempts from *section 52D-14* lost and found money or property at airports.

The subcommittee will provide revised language to the IPSC at the December meeting for further discussion and appropriate action.

At 2:30 p.m., Member Designee Ho left the meeting.

VI. Executive Session

Member Tachikawa moved to enter into executive session to discuss internal handling of employee PII, pursuant to HRS sections 92-5(a)(6), to consider sensitive matters related to public safety or security, and 92-5(a)(8), to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order. Member Sherman seconded the motion. The motion passed unanimously.

The IPSC entered executive session at 1:50 p.m. The council discussed internal handling of employee PII.

Member Yong moved to exit executive session, and Member Keane seconded the motion. The IPSC exited executive session at 2:30 p.m.

VII. Good of the Order

Acting Chair DeMello noted that future meetings will likely be held in this venue, the Kalanimoku Building basement video conference center, as opposed to the Keoni Ana Building conference room 304, since ETS may no longer have access to the conference room due to space reallocation.

The next IPSC meeting is scheduled for Wednesday, December 21, 2016, 1 p.m.

VIII. Adjournment

Member Yong moved to adjourn the meeting, and Member Designee Tong seconded the motion. The meeting adjourned at 2:27 p.m.

Respectfully Submitted,

Date

Keith A. DeMello
Acting Chair, IPSC
Office of Enterprise Technology Services
State of Hawai'i